



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 21
US Court House, Spring Street
312 N Spring Street, 10th Floor
Los Angeles, CA 90012

Agency Website: www.nlrb.gov
Telephone: (213)894-5200
Fax: (213)894-2778



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June 28, 2022

International Association of Machinists and Aerospace Workers Local Lodge No. 1484,
Machinists Automotive Trades District Lodge
1261 N. Avalon Blvd.
Wilmington, CA 90744

Re: International Association of Machinists and
Aerospace Workers, Local Lodge 1484,
Machinists Automotive Trades District
Lodge (Europa Auto Imports, Inc. d/b/a
Mercedes-Benz of San Diego)
Case 21-CB-298401

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ELVIRA PEREDA whose telephone number is (213)634-6512. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)634-6525.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

International Association of Machinists and - 3 -
Aerospace Workers, Local Lodge 1484,
Machinists Automotive Trades District
Lodge (Europa Auto Imports, Inc. d/b/a
Mercedes-Benz of San Diego)
Case 21-CB-298401

June 28, 2022

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. B. Cowen', with a long horizontal flourish extending to the right.

William B. Cowen
Regional Director

Enclosure: Copy of Charge

WBC/js

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
LOCAL LODGE 1484, MACHINISTS
AUTOMOTIVE TRADES DISTRICT LODGE
(EUROPA AUTO IMPORTS, INC. D/B/A
MERCEDES-BENZ OF SAN DIEGO)**

Case 21-CB-298401

Charged Party

and

**EUROPA AUTO IMPORTS, INC. D/B/A
MERCEDES-BENZ OF SAN DIEGO**

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 28, 2022, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

International Association of Machinists and
Aerospace Workers Local Lodge No. 1484,
Machinists Automotive Trades District Lodge
1261 N. Avalon Blvd.
Wilmington, CA 90744

June 28, 2022

Date

JSaenz, Designated Agent of NLRB

Name

/s/ JSaenz

Signature



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June 28, 2022

Europa Auto Imports, Inc. d/b/a Mercedes-Benz of San Diego
80 Stone Pine Road, Suite 210
Half Moon Bay, CA 94019

Re: International Association of Machinists and
Aerospace Workers, Local Lodge 1484,
Machinists Automotive Trades District
Lodge (Europa Auto Imports, Inc. d/b/a
Mercedes-Benz of San Diego)
Case 21-CB-298401

Dear Sir or Madam:

The charge that you filed in this case on June 27, 2022 has been docketed as case number 21-CB-298401. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ELVIRA PEREDA whose telephone number is (213)634-6512. If this Board agent is not available, you may contact Deputy Regional Attorney NEIL WARHEIT whose telephone number is (213)634-6525.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Very truly yours,

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William B. Cowen
Regional Director

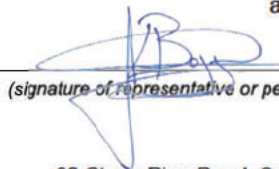
cc: John P. Boggs, Attorney at Law
Fine, Boggs & Perkins, LLP
80 Stone Pine Road, Suite 210
Half Moon Bay, CA 94019

WBC/js

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 21-CB-298401	Date Filed 6-27-2022

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT				
a. Name International Association of Machinists and Aerospace Workers, Local Lodge 1484, Machinists Automotive Trades District Lodge		b. Union Representative to contact (b) (6), (b) (7)(C)		
c. Address (Street, city, state, and ZIP code) 1261 Avalon Blvd., Wilimington, CA 90744		d. Tel. No. 310.835.6688	e. Cell No. (b) (6), (b) (7)(C)	
		f. Fax No.		
		g. e-mail (b) (6), (b) (7)(C)		
h. The above-named labor organization has engaged in and is engaging in unfair labor practices within the meaning of section 8(b) and (list subsections) 1(a) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.				
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The Union has unlawfully coerced employees in the exercise of their Section 7 rights by causing, promoting, condoning and/or sponsoring an unlawful and unprotected occupation of Employer's premises during an unlawful and unprotected strike activity in the presence of bargaining unit employees.				
3. Name of Employer Europa Auto Imports, Inc. d/b/a Mercedes-Benz of San Diego		4a. Tel. No.	b. Cell No. 415.378.3150	c. Fax No.
		d. e-mail jboggs@employerlawyers.com		
5. Location of plant involved (street, city, state and ZIP code) 4750 Kearny Mesa Road, San Diego, CA 92111		6. Employer representative to contact		
7. Type of establishment (factory, mine, wholesaler, etc.) Franchised New Car Dealer	8. Identify principal product or service Sale of new/used vehicles and parts and repair of same		9. Number of workers employed 100	
10. Full name of party filing charge Europa Auto Imports, Inc. d/b/a Mercedes-Benz of San Diego				
11. Address of party filing charge (street, city, state and ZIP code) 80 Stone Pine Road, Suite 210 Half Moon Bay, CA 94019		11a. Tel. No. 650-712-8908	b. Cell No. 415.378.3150	c. Fax No. 650.712.1712
		d. e-mail jboggs@employerlawyers.com		
12. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			Tel. No. 650-712-8908	
 (signature of representative or person making charge) John P. Boggs, Attorney (Print/type name and title or office, if any)			Cell No. 415-378.3150	
			Fax No. 650-712.1712	
			e-mail jboggs@employerlawyers.com	
Address 80 Stone Pine Road, Suite 210, Half Moon Bay, CA 94019		Date June 27, 2022		

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.